Revamping Indian Judiciary

Why in news?

The Supreme Court needs a structural overhaul to transform the Constitutional setup.

Supreme Court's Structure
• India has a *single integrated system* of judiciary in view of a *single Constitution*. • **Establishment-** It was inaugurated on January 28, 1950. • It succeeded the Federal Court of India and enforces both Central as well as the State laws. • **Constitutional provision**- *Articles 124 to 147 in Part V* of the Constitution deal with the organisation, independence, jurisdiction, powers, procedures etc., of the Supreme Court (SC). • It acts as the *custodian of the Indian Constitution* and the *protector of the Fundamental Rights*. • **Jurisdictions**- Supreme Court has 3 jurisdictions namely original, appellate and advisory. • It serves as a *Constitutional Court as well as a Court of Appeal*. • **Article 145 –** It says that a *special bench of SC* that comprises of at least 5 judges and deals with matters involving substantial question of law as to interpretation of the Constitution or the power of the President to consult the Court (Article 143). • **Article 137**- It empowers the Supreme Court with the judicial review through which it can declare any law as void when it is unconstitutional or in derogation with the Fundamental Rights. • **Article 13-** The laws which are contrary to the Fundamental Rights are declared as void by the judiciary. • **Article 50** – It ensures the separation of Judiciary from Executive.

Why there is a need to revamp Supreme Court?

- **Wider jurisdiction**-The Supreme Court hears matters between the Centre and the States, as well as between two or more States; rules on civil and criminal appeals; and provides legal and factual advice to the President.
- **Complexity**- Supreme Court has different types of Benches like Division Bench, Full Bench and Constitutional Bench and has diverse jurisdictions to discuss on various topics.
- **Insignificant cases**- Some cases are not very significant or urgent, thus taking up the court's time and resources.
- **Backlog**- Supreme Court has a huge backlog of pending cases, which affects its efficiency and quality of justice.
    - At present, there are 79,813 cases pending before the 34 judges of the Supreme Court.
- **Delay in justice**- Justice delayed is justice denied. One of the main reasons for the delay of justice is that the institution of court cases exceeds its disposition.

- **Overburden**- The increasing number of PILs has put a burden on the judiciary, which is already struggling to handle the backlog of cases.
- **Prison overcrowding**- Much of the prisoners in Indian prisons are under trials, who are confined to the prisons until their case finds a definitive conclusion.
- **Judicial overreach**-The judiciary has also been criticized for overstepping its boundaries and interfering with the functioning of the executive and legislative branches of government.
- **Regional imbalance**- The top court receives more appeals from High Courts that are near it, such as Punjab and Haryana, Allahabad, and Delhi whereas courts that are far away had fewer appeals filed, due to difficulties in accessibility and costs.

What recommendations were given to revamp Supreme Court?

- **Splitting the Supreme Court**- 10th and 11th Law Commissions proposed to divide the SC into 2 divisions- the Constitutional Division and the Legal Division.
- This would make justice more widely available and would significantly decrease the fees that litigants have to pay.
- **Court of Appeal**- The Supreme Court suggested creating a *National Court of Appeal* that would handle special leave petitions thus allowing the SC to focus on constitutional and public law matters.
- **Regional benches**- The ***229th Law Commission Report*** recommended setting up 4 regional benches (Delhi, Chennai or Hyderabad, Kolkata, and Mumbai) to hear non-constitutional issues.
- **Judicial efficiency**- Regional benches would reduce the backlog of cases and enable the Supreme Court to deal with important cases.

Steps taken to simplify Legal Process
• **National Judicial Data Grid**- It is a web-based platform that provides case status, pendency, and disposal data of district and subordinate courts across the country. • **eCourts Mission Mode Project**- Launched by the *Department of Justice* in collaboration with the *Supreme Court* to provide e-filing, digital case management, citizen-centric services etc. • **Scheme for Action Research and Studies on Judicial Reforms**- It is implemented by the *National Mission for Justice Delivery and Legal Reforms* and provides financial assistance for conducting research, evaluation, monitoring, capacity building, and innovation in the areas of justice delivery, legal research and judicial reforms. • **FASTER 2.0-** Fast and Secure Transmission of Electronic Records - Launched by the *Supreme Court e-Committee* to digitize all the judicial records and enable their online transmission between courts, tribunals, and other stakeholders.

References

1. The Hindu- Revamp structure of Supreme Court
2. Department of Justice- Scheme for action research



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